

Central Administrative Tribunal, Principal Bench

RA No. 82 of 2005 In  
O.A. No. 2729/2003

New Delhi this the 28<sup>th</sup> day of July, 2005

Hon'ble Mr. Justice M.A. Khan, Vice Chairman (J)  
Hon'ble Mr. D.N. Tiwari, Member (A)

M R Satyarthi, DPA III  
GS/ADGIS/TMS (HR)  
West Block, I.L.R.S. Bazar  
New Delhi

Review Applicant

Versus

U.O.I. and Others

Respondents

ORDER IN CIRCULATION

By Hon'ble Mr. Justice M.A. Khan, Vice Chairman (J)


The present RA has been filed by the applicant seeking review of our order dated 31.1.2005 passed in OA 2729/2003.

We have perused the order dated 31.1.2005 and do not find any error apparent on the face of the record or discovery of new and important material which was available to the applicant even after exercise of the due diligence. If the review applicant is not satisfied with the order passed by the Tribunal, remedy lies elsewhere. The Apex Court in Union of India Vs. Dr. B.R. Rao (2003) 3 SCC 112 has observed as under:

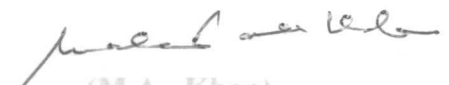
3. The Tribunal passed the impugned order by reviewing the earlier order. A bare reading of the two orders shows that the order in the impugned application was in complete violation and disregard of the earlier order and the strong as well as sound reasons contained therein whereby the original application was rejected. The scope for review is rather limited and it is not

permissible for the forum hearing the review application to act as an appellate authority in respect of the original order by a fresh order and rehearing of the matter to facilitate a change of opinion on merits. The Tribunal seems to have transgressed its jurisdiction in dealing with the review petition as if it was hearing an original application. This aspect has also not been noticed by the High Court?

3. Having regard to the above, RA is dismissed in circulation.

  
(D.R. Tiwari)  
Member (A)

Rakesh

  
(M.A. Khan)  
Vice Chairman (J)